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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/553,361

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1999-0728

4969

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12/23/2008

EXAMINER

OPSASNICK, MICHAEL N

ART UNIT

PAPER NUMBER

2626

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/553,361	<b>Applicant(s)</b> RUBIN ET AL.	
	<b>Examiner</b> MICHAEL N. OPSASNICK	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 43-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 48-49 is/are allowed.
- 6) ☒ Claim(s) 43-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 43-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheston III et al (6330308) in view of Carleton et al (6069940).

As per claim 43, Cheston III et al (6330308) teaches establishing a communications session with a remote party, said communications session consisting of communication originating from the customer and communication originating from the remote party (as remote call/user – col. 7 lines 25-27, wherein the user can request a message to be fwd'd within the voicemail system (col. 7 lines 30-33); and requesting authorization codes from a remote party and storing the code (as storing the message in a voicemail system – col. 13 lines 10-49. Examiner notes that it is old and well know in the art of voicemail systems to prompt a remote caller for authorization codes to access voicemail - e.g., the situation described in col. 3 lines 10-15).

As per claim 43, Cheston III et al (6330308) does not explicitly teach storing/changing keywords that are associated with the stored communication/messages, however, Carleton et al (6069940) teaches the association of keywords with stored messages (col. 3 lines 60-67; col. 9 lines 25-45). Therefore, it would have been obvious to one of ordinary skill in the art of voicemail systems to modify the voicemail system of Cheston III et al (6330308) with storing communication according to keywords with the message because it would advantageously allow for quicker access to stored messages in a listing hierarchy (Carleton et al (6069940), col. 2 lines 47-57; col. 3 line 61 – col. 4 line 4).

As per claims 44-47, Cheston III et al (6330308) in view of Carleton et al (6069940) teaches storing of messages in a database, for future access via keyword (Carleton et al (6069940), col. 9 line 65 – col. 10 line 4); furthermore, the combination teaches the use of passwords to access the stored messages – col. 6 line 61 – col. 7 line 3), as well as remote user can be live person/or telephonic or laptop (Carleton et al, Fig. 1, subblock 112a,b,c,d,e,114).

***Allowable Subject Matter***

3. Claims 48,49 are allowable over the prior art of record.

### ***Response to Arguments***

4. Applicant's arguments filed 9/22/08 have been fully considered but they are not persuasive. As per applicants arguments against the claim scope interpretation of claim 43, in particular, as to whom established the communication connections, examiner disagrees and argues that, that particular claim scope is not claimed. The preamble of claim 43 does not have patentable weight (with respect to "initiation") because that particular language is not reinforced in the body of the claim. Post-preamble of claim 43, especially the first 3 lines, pertains to 1) a communication session being established and 2) the session consisting (containing) communication from the customer and from the remote party. The prior art of record, with this current claim scope in mind, contains these items as noted above. Examiner recommends claim language further establishing the steps regarding the communication session as argued by applicant. Furthermore, examiner reminds applicant to be mindful of the prior art discussed below when making amendments to the claims. Lastly, clearly, password accessible messages includes a further mode of encryption, or else password protected messages would be irrelevant.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see related art listed on the PTO-892 form. Ginter (5949876) teaches a centralized content storage (Fig. 2) with multiple user access with differing levels of security (Fig. 2a; Figs. 4,10; Fig. 17 showing public/private and permission sectors) with

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encryption/decryption, including 3<sup>rd</sup> party access (Fig. 35,36). Underwood (6633878) teaches users allowing accessing of ecommerce database, which is also accessible by remote administrators (Fig. 16.1, 16.2,17.1).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael N. Opsasnick/  
Primary Examiner, Art Unit 2626  
12/21/08